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*Via ECF*

January 12, 2023

The Honorable Laura Taylor Swain  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10038

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Twyla Carter  
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Mary Lynne Werlwas  
*Director*  
*Prisoners' Rights Project*

Re: *Nunez v. City of New York*, 11 Civ. 5845 (LTS)

Chief Judge Swain:

Plaintiffs write to request a short extension of the deadline to file a motion for contempt in order to afford the parties more time to meet and confer on disputed issues. The original deadline set by this Court was January 17, 2023. ECF No. 494. Plaintiffs request an extension of slightly more than one week, until January 25, 2023, and the revised briefing schedule below. This is Plaintiffs' first request for an extension of time on this motion. Defendants state that they "consent to the revised briefing schedule should the court still deem it appropriate for plaintiffs to file a motion at this time. Defendants continue to maintain that a contempt motion is not warranted." Proposed schedule:

Plaintiffs' Opening Brief: January 25, 2023  
Defendants' Response Brief: February 8, 2023  
Plaintiffs' Reply Brief: February 15, 2023

The Monitor's status report would still be filed on February 3, 2023, as currently contemplated by the Court's schedule; the Monitor further consents to Plaintiffs' extension request.

The reason for this request is to allow the parties more time to work toward potential resolution of a disagreement that arose during our conferrals regarding Defendants' calculations of the "24 hour" policy, which Defendants discuss in detail in their recently filed status report to the Court. *See* ECF No. 495 at 1-3. Plaintiffs believe Defendants' "stop the clock" policy violates the Court's Second Remedial Order, which does not allow for any exception to the 24-hour limit on stays in intake pens. The 24-hour limit ensures that incarcerated people have access to a bed, regular meals, medications, and have their other basic needs met within 24 hours of coming into Department custody, thus preventing the numerous problems, including use-of-force incidents, that arise from long intake stays.

Plaintiffs have provided Defendants with a proposal regarding modifications to the Second Remedial Order that would allow for a more limited version of the clock-stop policy. Defendants have requested additional time to consider this proposal, and would not be able to respond to it before the current motion deadline of January 17. Rather, the parties have agreed to meet and confer

again regarding the issue of the clock-stop policy on January 19, 2023. To facilitate the potential resolution of the disputed issues, or at least narrowing issues that must be presented to the Court in a contempt motion, Plaintiffs seek this adjournment.

Respectfully submitted,

/s/

Mary Lynne Werlwas  
David Billingsley  
Katherine Haas

THE LEGAL AID SOCIETY  
PRISONERS' RIGHTS PROJECT

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